

REMARKS

STATUS OF THE CLAIMS

Claims 1-3, 6, 11-13 and 18 are pending. No claims have been amended.

AMENDMENTS TO THE SPECIFICATION

The Examiner objected to Specification, indicating that the title of the invention was not sufficiently descriptive. The Examiner stated that a new title was required, and such title should “reflect the specific cardiovascular disease recited in the claim (‘heart failure’) and the basis for such assessment (i.e., polymorphisms in specific adrenergic receptors).” Applicants have revised the title as suggested, and thus respectfully request withdrawal of this objection.

DOUBLE PATENTING REJECTION

The Examiner rejected claims 1-3, 6, 11-13 and 18 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 7,449,292, with which the current application shares a common inventors. The Applicants are filing herewith a terminal disclaimer to overcome this rejection based on this commonly-owned patent. Thus, Applicants request withdrawal of the rejection.

CONCLUSION

In sum, Applicants respectfully submit that claims 1-3, 6, 11-13 and 18, as presented herein, are in order for allowance. Therefore, Applicants request reconsideration of the basis for the rejections to these claims and request allowance of them. In addition, Applicants respectfully invite Examiner to contact Applicants' representative at the number provided below if Examiner believes it will help expedite furtherance of this application.

Respectfully submitted,
KERSTEN SMALL, ET AL.

Dated: May 15, 2009

By: /Antonia L. Sequeira/
Antonia L. Sequeira
Reg. No. 54,670
Fenwick & West LLP
Silicon Valley Center
801 California Street
Mountain View, CA 94041
Tel. (650) 335-7185
Fax (650) 938-5200